IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.720 OF 2006

In

WRIT PETITION NO.1362 OF 2006

National Textile Corporation (South Maharashtra) Limited : Appellant (Orig.Petitioner)

V/s.

Regional Provident Fund Commissioner & Ors. : Respondents

...

Mrs.M.H. Doshi for the appellant.

Ms S.V.Bharucha for respondent nos.1 & 2.

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CORAM : R.M.LODHA & S.A.BOBDE,JJ.

DATE : NOVEMBER 17, 2006.

P.C.

1. The counsel for the respondent nos.1 and 2 invited our attention to the Minutes of the meeting of the Committee on Disputes dated 29.8.2006. Item no.2 of the said Minutes reads thus:-

"a)Appellant b) Respondent	Issue(s) involved	a)Appl.Ref. No. b)Date c)Appeal in	Appln. against a)auth. whose order is disputed b)order no. c)order date	a) Quantum involved (Rs.in lacs) b)Period involved
National Textile Corporation Limited Employees Provident Fund Organisation	Recovery of pre-nationalisation PF dues in respect of India united Mills No.1 to 6 and pre-taken over PF dues of Shree Sitaram Mills and Jam Mills.	NTC/11(285)/ (5)/05/Vol. IV-MN 12.04.2006 High Court	Asstt.P.F. Commiss-ioner	Amount 650.09

The Committee heard the parties to dispute at considerable length and expressed the view that the full facts of the case were not submitted before it either by the appellant or by the respondent and moreover liquidated damages can never be charged as a matter of profit.

The representative of EPFO submitted that there is a provision in the Act itself for waiver of damages if BIFR approved the revival scheme of the sick undertakings.

In view of the above, while declining to permit NTC Limited to pursue the appeal before the Hon'ble High Court, the Committee directed that they may approach EPFO in the matter."

2. In this view of the matter, the present appeal ought

not to have been filed by the NTC.

3. Dismissed accordingly.

R.M. LODHA, J.

S.A. BOBDE, J.